

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

OMAR RASHAD POUNCY,)
Petitioner,) Case No. 2:13-cv-14695
v.) Hon. Matthew F. Leitman
CARMEN D. PALMER,)
Respondent)

MOTION TO ALLOW NOTICE OF APPEARANCE

I regret to inform the Court that my co-counsel, David Khrakovsky, suddenly and unexpectedly passed away yesterday, July 2, 2020, at the young age of 28. Mr. Khrakovsky died without having entered a notice of appearance in this matter. Always humble and selfless, however, Mr. Khrakovsky never complained that his participation in this case was not formally reflected on the docket or in the signature block of our filings.

Mr. Khrakovsky was incredibly dedicated to Omar Pounchy, and his contributions to Mr. Pounchy's case were immense. The legal briefs that Ropes & Gray has submitted in this case are as much Mr. Khrakovsky's as they are mine. I truly have stood on Mr. Khrakovsky's broad shoulders in this case. I should have instructed Mr. Khrakovsky to seek admission to the Eastern District of Michigan and

file a notice of appearance more than a year ago. That he did not do so is entirely my fault.

Mr. Khrakovsky's legal career was just getting started. He was a shining star of Ropes & Gray. For all of the great things that he already had accomplished, so many more great things were ahead for him. In addition to raw intellect, Mr. Khrakovsky brought a level of curiosity, joy, and humanity to his work that, in my experience, is very rare. Mr. Khrakovsky was a special person, and I was lucky to have known and worked with him. He was a beloved member of Ropes & Gray, and he will be missed on every level.

Based on a PACER search that I performed this morning, Mr. Khrakovsky died without ever having entered an appearance in a federal case. This is certainly attributable to his status as a "junior associate." During his too-short career, Mr. Khrakovsky in fact played an important role in many of Ropes & Gray's most important litigation matters, both for paying clients and *pro bono* clients. The federal court records therefore fail to provide a fair reflection of Mr. Khrakovsky's work as a lawyer.

To honor Mr. Khrakovsky's work, I would like the docket in this case to reflect that Mr. Khrakovsky served as Omar Pouny's lawyer. Unfortunately, we cannot now satisfy the technical requirements to have Mr. Khrakovsky admitted to the Eastern District of Michigan. I therefore respectfully request that the Court

exercise its supervisory powers to waive the technical requirements and permit me to file a posthumous notice of appearance for Mr. Khrakovsky, so that the record formally reflects Mr. Khrakovsky's role as Mr. Pouncy's lawyer. If the Court indulges my request, I would also move to submit corrected briefs to replace the briefs submitted at ECF No. 272 and ECF No. 300, so that Mr. Khrakovsky's name is reflected in the signature blocks.¹

Respectfully submitted,

/s/ Aaron M. Katz
Aaron M. Katz
ROPES & GRAY LLP
800 Boylston Street
Boston, MA 02199
Telephone: (617) 951-7000
Fax: (617) 951-7050
Aaron.Katz@ropesgray.com

¹ No other corrections would be made.

CERTIFICATE OF SERVICE

I, Aaron M. Katz, hereby certify that on July 3, 2020, I electronically filed the foregoing papers with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

John Pallas
Assistant Attorney General
Attorney for Respondent
Criminal Appellate Division
P.O. Box 30217
Lansing, MI 48909

/s/ Aaron M. Katz
Aaron M. Katz